

**BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD N.
LOWER LEVEL CONFERENCE ROOM
ST. PAUL, MINNESOTA 55155
WEDNESDAY, MARCH 25, 2015**

BOARD MEMBERS PRESENT:

Jeff Berg, MDA; Jill Crafton, Jack Ditmore, Chris Elvrum, MDH; Doug Erickson, Rebecca Flood, MPCA; Kathryn Kelly, Tom Landwehr, DNR; Tom Loveall, Brian Napstad, Neil Peterson, Tom Schulz, Steve Sunderland, Gene Tiedemann, Gerald Van Amburg

BOARD MEMBERS ABSENT:

Joe Collins
Sandy Hooker
Faye Sleeper, MES

STAFF PRESENT:

Mary Jo Anderson, Angie Becker Kudelka, Tim Dykstal, Greg Fetter, Travis Germundson, John Jaschke, Al Kean, Tim Koehler, Melissa Lewis, Jeff Nielsen, Dave Weirens

OTHERS PRESENT:

Jason Garms, DNR
Gaylen Reetz, MPCA
Walter Albarran, NRCS

CALL MEETING TO ORDER – Chair Napstad called the meeting to order at 9:07 a.m.

PLEDGE OF ALLEGIANCE

- **** **ADOPTION OF AGENDA** – John Jaschke noted that the order of New Business items has changed.
15-14 Moved by Rebecca Flood, seconded by Tom Schulz, to adopt the agenda as presented. ***Motion passed on a voice vote.***

- **** **MINUTES OF JANUARY 28, 2015 BOARD MEETING** – Jack Ditmore asked for clarification on page five, regarding #15-09, the statement ‘of an extension of the three-year extension’. John Jaschke stated that staff will review the Order. Moved by Kathryn Kelly, seconded by Doug Erickson, to approve the minutes of January 28, 2015 as presented. ***Motion passed on a voice vote.*** (The statement in question is in error and will be removed from the minutes of January 28, 2015.)
15-15

PUBLIC ACCESS FORUM – Travis Germundson noted that correspondence was received regarding the redistribution of manager appointments for the Middle-Snake-Tamarac Rivers Watershed District. Travis stated that the parties were unable to attend the Board meeting today. Two letters are included in board members’ packets for information. A letter from Warren Strandell, Polk County Board Chair, dated March 24, 2015; and a letter from three members of the public Jim Stengrim, Loren Zutz, Elden Elseth, dated March 24, 2015. Chair Napstad stated that the item is on the agenda later today.

INTRODUCTION OF NEW EMPLOYEE – Angie Becker Kudelka introduced Greg Fetter, IT Services Manager in the St. Paul office. Chair Napstad welcomed Greg to BWSR.

REPORTS

Chair’s Report – Brian Napstad reported that he attended the EQB meeting on February 18, 2015. The EQB authorized the reassignment of Responsible Governmental Unit (RGU) duties from Hennepin County to DNR for environmental review of Lock & Dam 1. The project by the U.S. Army Corps of Engineers (USACE) is intended to protect the structure from excessive scouring. Chair Napstad also attended the EQB meeting on March 18, the Interagency Report on Oil Pipelines was presented; the Report is in draft status, posted on the EQB website. Chair Napstad reported that the EQB meetings are now webcast.

Chair Napstad attended the AMC Legislative Conference March 4-5; good BWSR representation, Dave Weirens provided an overview of WCA. Chair Napstad testified at hearings on WCA.

Administrative Advisory Committee (AAC) – Chair Napstad reported that the Administrative Advisory Committee met this morning. The AAC discussed the executive director’s annual performance review. Chair Napstad thanked board members for completing John Jaschke’s performance review using the confidential survey. Chair Napstad thanked Angie Becker Kudelka for compiling the anonymous review responses. Chair Napstad and Vice Chair Gerald Van Amburg met with John last night to conduct his performance review. John is ranked very good to outstanding in all areas and has strong leadership skills. Chair Napstad will write a memo for John’s personnel file. Board members should contact Chair Napstad if they want to discuss the review. Chair Napstad reported that the AAC also discussed legislative updates, board appointments; and buffers, on the agenda later today.

Audit & Oversight Committee – Chair Napstad reported that the Audit & Oversight Committee item is on the agenda later today.

Executive Director's Report – John Jaschke reviewed information in board members' packets including a legislative update and provided a brief overview of articles in BWSR Snapshots.

Dispute Resolution Committee – Travis Germundson reported that there are presently 12 appeals pending; one new appeal File #15-3, a restoration order in Wabasha County. File #14-5 appeal in Kandiyohi County, a settlement agreement has been reached and the appeal dismissed. File #14-1, appeal in Stearns County, a settlement agreement has been reached and the appeal dismissed. Chair Napstad thanked Travis for his report.

Grants Program & Policy Committee – Steve Sunderland reported that the Grants Program & Policy Committee has not met; the Committee will meet in April.

Water Management & Strategic Planning Committee – Jack Ditmore reported that the Water Management & Strategic Planning Committee did not meet this month. Melissa Lewis provided an update, and lessons learned on the One Watershed, One Plan pilot. Discussion followed. Melissa explained that local government staff and interagency representatives will be interviewed, feedback will be used to streamline and adjust the framework for the statewide rollout of the program. The final One Watershed, One Plan program is anticipated to be adopted by BWSR in January 2016. Chair Napstad thanked Melissa for the update.

Wetlands & Drainage Committee – Gerald Van Amburg reported that the Wetlands & Drainage Committee did not meet; the Committee will meet in May.

Drainage Work Group (DWG) – Tom Loveall reported that the Drainage Work Group has not met during the 2015 legislative session. Al Kean provided a brief overview of three legislative drainage bills; three DWG subgroups upcoming meetings and topics of discussion; and provided a brief update of the Minnesota Public Drainage Manual. Chair Napstad thanked Al for the update.

COMMITTEE RECOMMENDATIONS

North Region Committee

Redistribution of Manager Appointments for the Middle-Snake-Tamarac Rivers Watershed District (MSTRWD) – Travis Germundson referenced the two letters introduced during the Public Access Form; noted that a copy of exhibit documents are on the table for information and an electronic link of the scanned documents was included in the Board Packet; and a map showing distribution of the MSTRWD managers appointments as of July 2014.

Travis provided a chronological update from the time the petition was filed with the Board. Polk County Board of Commissioners petitioned the Board of Water and Soil Resources to redistribute manager appointments for the Middle-Snake-Tamarac Rivers Watershed District pursuant to Minn. Stat. § 103D.301, Subd. 3. The current distribution of manager appointments is as follows: Marshall 6, Polk 1, Pennington 0, Kittson 0, and Roseau 0. The petition indicates that residents within the district have expressed frustration and concerns with the District Managers and that proper adherence to Minn. Stat. § 103D.301 Subd. 1 with appointments by Kittson, Roseau, and Pennington Counties will assist in addressing those issues. A public hearing and two public meetings were held and presided over by the North Region Committee and based on the entire record the Committee recommends that the petition be denied. The recommendation to deny the petition would leave the current distribution of managers unchanged. The Committee determined that there is little evidence that the other counties are interested in having an appointment; the petition does not request an additional manager appointment for Polk County; redistribution of managers will not likely resolve the issues addressed in the petition;

changes have occurred over the past year as to new manager appointments, staff, and training; finally, BWSR is committed to assist the Watershed in implementing recommendations in the 2008 Performance Review and Assistance Program (PRAP) Report.

As a follow up to the PRAP Report discussion, BWSR's staff have since met with the District and as a result, the Board of Managers have agreed to move forward with some of the recommendations in the 2008 report and intend to apply for a PRAP grant to assist in moving forward with the recommendations.

Gerald Van Amburg stated that many opportunities were provided for input for those involved over this long period of time; there is no way to satisfy everyone in the process. Gerald stated that the North Region Committee's recommendation for denial of the petition is summarized in the Findings of Fact of the Order. BWSR is committed to assisting the MSTRWD in implementing the recommendations as referenced in the District's PRAP Report.

Tom Schulz noted the map shows that Polk County does not have a manager. Gene Tiedemann mentioned that they have since filled that position. BWSR granted the petitioner's request on several occasions to delay the proceedings to explore local options to resolve this on their own. Tom stated that this is a high performing watershed district that needs to resolve issues and move forward.

** Moved by Tom Schulz, seconded by Jill Crafton, that the Board denies the petition to redistribute the managers of the Middle-Snake-Tamarac Rivers Watershed District based on the Committee's recommendation and findings. The current distribution of managers will remain unchanged. Marshall County Board of Commissioners will continue to appoint six managers positions and Polk County Board of Commissioners will continue to appoint one manager position with the total number of managers to remain at seven. Discussion followed.

15-16 Jack Ditmore suggested a change on page 10, #12, omit the word 'occur'. Tom Schulz asked that the spelling of his name be corrected throughout the Order. Chair Napstad stated that the Northern Region Committee discussed potential improvements the current appointees could implement, and noted interest in following up on recommendations developed in the PRAP report. Corrections needed on page 9, #9. 'that' and 'record in' are duplicated. Chair Napstad stated that corrections be made on the Order for his signature. **Motion passed on a voice vote.** Neil Peterson, county commissioner, abstained from voting.

Chair Napstad called for a break in the meeting at 10:35 a.m. The meeting reconvened at 10:45 a.m.

Southern Region Committee

Le Sueur County Comprehensive Local Water Management Plan Extension Request – Jeff Nielsen reported that the Le Sueur County Comprehensive Local Water Management Plan is in effect until December 31, 2015. On January 6, 2015, the Board received a petition from Le Sueur County requesting a six month extension to June 30, 2016. The extension request is to allow time for a new water planner to collaborate with partners, follow through on the County's resolution to participate in the Watershed Restoration and Protection Strategies (WRAPS) process and transition to One Watershed, One Plan (1W1P). The Southern Region Committee met on January 28, 2015, and recommends approval of the Le Sueur County extension request. Jack Ditmore asked Jeff to provide Melissa Lewis with information as it relates to the 1W1P effort. Moved by Kathryn Kelly, seconded by Tom Loveall, to approve the extension of the Le Sueur County Comprehensive Local Water Management Plan until June 30, 2016.

15-17 **Motion passed on a voice vote.**

Lyon County Comprehensive Local Water Management Plan Waiver Request – Jeff Nielsen reported that the Lyon County Comprehensive Local Water Management Plan is effective until December 17, 2018, with a required amendment to the Implementation section by December 31, 2015. On January 12, 2015, BWSR received a written request from the Lyon County Board of Commissioners requesting a waiver to allow Lyon County and its local partners time to effectively participate in the Yellow Medicine One Watershed, One Plan pilot and the development of Watershed Restoration and Protection Strategies (WRAPS) within the County. The Southern Region Committee met on January 28, 2015, and recommends approval of the Lyon County waiver request. Moved by Kathryn Kelly, seconded by Chris Elvrum, to approve the waiver of the requirement for a five-year amendment of the Lyon County Comprehensive Local Water Management Plan. ***Motion passed on a voice vote.***

Yellow Medicine County Local Water Management Plan Extension Request – Jeff Nielsen reported that the Yellow Medicine County Board of Commissioners requested an extension to the Local Water Management Plan to align watershed based planning efforts that are occurring in their region. The extension will allow Yellow Medicine County and its local partners time to more effectively participate in the Yellow Medicine One Watershed, One Plan pilot and development of Watershed Restoration and Protection Strategies (WRAPS) within the County. The Southern Region Committee met on January 28, 2015, and recommends approval of the Yellow Medicine County extension request. Moved by Kathryn Kelly, seconded by Chris Elvrum, to approve the extension of the Yellow Medicine County Comprehensive Local Water Management Plan until December 31, 2016. ***Motion passed on a voice vote.***

Winona County Local Water Management Plan Extension Request – Jeff Nielsen reported that the Winona County Board of Commissioners request an extension of their current Local Water Management Plan until December 31, 2018, to align watershed based planning efforts that are occurring in their region. The extension will allow Winona County and its local partners time to more effectively participate in the Root River One Watershed, One Plan pilot and development of Watershed Restoration and Protection Strategies (WRAPS) within the County. The Southern Region Committee met January 28, 2015, and recommends approval of the Winona County extension request. Moved by Kathryn Kelly, seconded by Tom Loveall, to approve the extension of the Winona County Comprehensive Local Water Management Plan until December 31, 2018. Discussion followed regarding flexibility and the commitment from partners to work together on the 1W1P process. ***Motion passed on a voice vote.***

Cedar River Basin Extension Requests – Jeff Nielsen reported that Mower County's Comprehensive Local Water Management Plan is in effective until December 31, 2015. Turtle Creek Watershed District's Watershed Management Plan that covers the period of January 28, 2004 through January 28, 2014. Both Mower County and Turtle Creek Watershed District are now requesting additional time to align watershed based planning efforts that are occurring in their region. BWSR received a written request from the Mower County Board of Commissioners and the Turtle Creek Watershed District Board of Managers requesting extension of the effective date of their current Plans until December 31, 2018. These extensions will allow Mower County time to more effectively participate in the Root River One Watershed, One Plan pilot and help synchronize resources and water management efforts of Mower County, Turtle Creek Watershed District and partners with the development of Watershed Restoration and Protection Strategies (WRAPS) in the Cedar River Basin. The Southern Region Committee met on January 28, 2015, and recommends approval of the Mower County and Turtle Creek Watershed District's extension requests. Moved by Kathryn Kelly, seconded by Jill Crafton, to approve the extension of the Mower County Comprehensive Local Water Management Plan until December 31, 2018, and the extension of the Watershed Management Plan for Turtle Creek Watershed District until December 31, 2018.

Jack Ditmore stated his concern with the four-year extension and commitments to 1W1P when funding is unknown. Chris Elvrum stated the commitment to the timeframe, the funding considerations were not discussed at the Committee meeting, although internal funding could be utilized if needed. Discussion followed. Jeff reported on the contingency statement on page 3, #3; a signed copy has been received. **Motion passed on a voice vote.** Kathryn thanked the Committee; Jeff Nielsen, and Melissa Lewis for their efforts on the extension process.

NEW BUSINESS

Office of Legislative Auditor's (OLA) Audit of BWSR's Clean Water Fund Expenditures – Tim Dykstal presented the findings and recommendations of the OLA. Jill Crafton stated that she's impressed with BWSR's learning process and commended staff on the good job they have done. Jack Ditmore congratulated staff on the work they do. Chair Napstad thanked Tim for his report.

Governor's Buffer Initiative – John Jaschke provided background information used in the development of the Governor's buffer initiative. Work is being done under the direction of Governor Dayton to accomplish the initiative. Input meetings convened with stakeholders, agricultural interests, environment and conservation organizations, and federal, state, and local government representatives. John stated that Representative Torkelson (HF1534) and Senator Marty (SF1537) are authors of the riparian buffer bill; hearings and discussions continue to be held.

Tim Koehler introduced Al Kean, BWSR; Jason Garms, DNR; and Glenn Skuta, MPCA. Tim stated that BWSR, MPCA, DNR and MDA are working on the Governor's Buffer Initiative. Glenn presented information on riparian buffers on a statewide scale. Tom Schulz asked for a county overlay map; Glenn will provide the map to board members. Tim stated that the buffer initiative is statewide, protecting water resources from erosion and runoff pollution by establishing at least 50 feet of vegetation around the state's perennial waters. Tim distributed a list of primary changes in Senator Marty's amendment to the original language in SF1537. Tim stated that local support is key; SWCDs will implement the buffer requirement, including planning, technical assistance to landowners, approval of alternative practices, and tracking and reporting progress. Tim stated that landowners can be compensated by federal Farm Bill resources, other state program conservation funds, or other voluntary efforts.

Al Kean provided an overview of Governor Dayton's Buffer Initiative factsheet. Jason reported that DNR will establish and maintain an inventory map of each county showing waters subject to the buffer requirement. Tom Landwehr stated that Senator Marty's bill is being modified as concerns are taken into consideration. Walter Albarron, NRCS, stated that at the federal level, NRCS provides tech assistance, EQIP is a voluntary program; and FSA provides administrative assistance.

Tim stated that it's important to note that the current proposal does not propose to change the shoreland rules or drainage law. The Governor's proposal does not include easement money in the first 50 feet, alternate practices are available for landowners. The idea of a no-fault clause is needed. Chair Napstad stated that until legislation is in place, there are many unanswered questions to the buffer initiative. Jason stated that the buffer initiative is not the cure all for water quality issues, many other steps are needed. DNR has a website with buffer information posted. Chair Napstad thanked John, Tim, Al, Jason, and Glenn for the informative presentation.

AGENCY REPORTS

Minnesota Department of Agriculture (MDA) – Chair Napstad welcomed Jeff Berg, MDA water quality specialist, attending today on behalf of Matt Wohlman.

Minnesota Department of Natural Resources (DNR) – Tom Landwehr reported that the State is in a drought condition, substantially effecting crop production and an anticipated season for wild fires.

ADVISORY COMMENTS

Natural Resources Conservation Service (NRCS) – Chair Napstad welcomed Walter Albarran, NRCS Acting State Conservationist. Walter announced the new State Conservationist Cathee Pullman, currently serving at NRCS in Maine, she will start in Minnesota on May 17. Walter reported that NRCS is updating their electronic process with a pilot in four areas of the state to streamline business services, administration merged into a new unit to oversee management issues. Walter stated that NRCS has a high workload regarding wetland issues, ten positions to be hired. USDA/NRCS funding appropriations were announced in February; three sign-ups for EQIP, obligations to be done by summer; received 30% increase in easements. NRCS State Tech Committee meeting will be held June 16, in St. Cloud. Walter stated that he has enjoyed working in Minnesota the last three months. John Jaschke reported that Bill Hunt, former NRCS State Conservationist, passed away last month. Chair Napstad thanked Walter for his report.

Jeff Nielsen announced the Conservation Technology Information Center (CTIC) nationwide tour on August 11-12 in southeast Minnesota; board members invited to attend, anticipate about 200 people on the tour. Jeff stated that the BWSR tour will be held August 26, also in the southeast between Northfield and Red Wing.

UPCOMING MEETINGS

- Next BWSR Board Meeting is April 22, 2015, in St. Paul.

****** Moved by Tom Landwehr, seconded by Kathryn Kelly, to adjourn the meeting at 12:55 p.m. **Motion**
15-22 ***passed on a voice vote.***

Respectfully submitted,



Brian Napstad
Chair